

Physiology, 1995, 108: 677-683). Applicants respectfully disagree that the inventions of the present application do not make a contribution over the references cited by the Examiner.

As stated in the specification, the invention relates to new starch biosynthesis enhancing proteins and their use in modifying the amylase content in genetically modified potato plants producing high-amylose concentrations. Preferably, the starch biosynthesis enhancing proteins are from *Solanum tuberosum*. More preferably, the starch biosynthesis enhancing protein comprises the amino acid sequence of SEQ ID NO: 2 or 4, or homologs or orthologs thereof. See Specification at pages 8-9.

The reference cited by the Examiner, Tanaka et al., teaches generally a soluble starch synthase of rice, which is different from the starch biosynthesis enhancing proteins according to the present invention. Additionally, Tanaka et al. does not teach the production of genetically modified plants producing high-amylose concentrations.

The inventive concept of the starch biosynthesis enhancing proteins ("special technical feature") is shared by all of the claims of Groups I to VII, and is not disclosed by Tanaka et al. For instance, the proteins of Restriction Groups III and IV are produced in the method of Restriction Groups I and II, which leads to the production of the transgenic plants. Additionally, the modification of the gene expression of such a starch biosynthesis enhancing protein is achieved by the methods of Restriction Groups V to VII. Therefore, these claims should be considered together based on unity of invention, and could be examined together with minimal burden.

Furthermore, Applicants respectfully submit that the restriction requirement should be withdrawn even under restriction practice. As stated in § 803 of the M.P.E.P. "[i]f the search and examination of the entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." (M.P.E.P. § 803, emphasis added). Because the same art relevant to a starch biosynthesis enhancing protein would also be relevant to a method of using it in modifying the amylase content in genetically modified plants, there would be no undue burden on the Examiner to search and examine all Groups together, since the subject matter of the various groups is so closely linked and would be classified together for search.